Preserve

App. F. IX-4

Previous References

Mag 130 ... -
Rc ...

193 5.-36
(Nagali

Mag File No. 46-35-
Serial Nos. 1-11

Preserved

Letter References.

Mag Dfs no 5 6-37.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 11

Part B for April 1936

SUBJECT.

Appeal of Sri Aravisvamigalu of Sri Thore mutt at Gubbi re: the inam thoriea possession of S. No. 100 at Gubbi

No 1413 / Mag 46-35-11 dt 8-4-36

To

~~WD 03607—GPB—22,500—2-8-35~~ Aravi Swamigalu of Sri Thore mutt at Gubbi
c/o
Mr K. J. Bheshyam Ayyangar B.A.B.L.
Advocate Bangalore City

Re. cf. the appeal

Mag appl no 3 of 35-36
Adaviswamy & ors

App. F. III—21

General and Revenue Secretariat

Mag File No. 16 of 193 5-6

Serial No.	
1	Petition of S. P. 35 filed by Mr K. T. Bhashyam Iyengar on behalf of Adaviswamy Chetty & Thore Muthaiah Chetty against the decision of the Inam Commissioner in Inam appl no 16 of 19 - so far as it relates to the possession and enjoyment of S. No 100 applied by the Appellants. (1) The appeal fee is subsequently stamped & has been prepared in time. (2) In lieu of his order of 8/5/35 (summons appeal) the M.C. refers to the S.D.'s report of Adaviswamy Chetty having put up a private institution viz. a choultry on S. No 100 belonging to Sri Channabasaveshwara Swamy temple at the place about 50 yards to the garden attached to the same S. No having been in the occupation of the Math (3) The present petitioner was a party along with Messrs Revanna & Huttesha in the Inam Court Case. The appeal filed by the latter too before Court was since been rejected. (Vide note & order in Inam 288-34-3 listed for report). (4) The M.C. in his letter no Dis'l 4 31-32

This is not a final order. Please see linked file - Inam. 288-34, Vol. 143

RG

NOTE—Contn. Sheet

has already said that should any of the parties affected from the Adhi Swamis refuse to hand over possession of the land on his enjoyment, it may be necessary to hold an enquiry and deal with the matter under Sec[n] 19 of the Mysore R, & C. S. Reg[n]. VII of 1927. Sec. 18 & 19

If appd the pet[n] will be forwarded to m.c. for favour of detailed report with Sketch of the concerned records & he will also be asked to state if the matter in question is not identical with Chennaveeradevan made at Public Meeting held in Town Municipal on hall 206 of the Inam Reg[n] — Public Th

A

As for the stay order prayed for, the petner will have to apply for the same in a separate stamped petn; If appd the Counsel for the petner will be apprised of this. Submitted for orders —

G.S. 7/8/38

A - may be approved as per note of what is stated in the Appeal petn and in memorandum of

General and Revenue Secretariat | 11 Leg | File No. | of .93

Serial No.

The question was [illegible]

1) A separate Stamped petn is necessary, as per rules, for a request for a Stay order. Both in Heads of Petn is stated on the petn by the II member a Stay order might be issued on the request made in the present petn itself.

GENERAL AND REVENUE SECRETARIAT
8 AUG. 1935
990

Not correct

I have said nothing that precludes application of rules

Gen: Secy)

2a) I agree: A stay order may be issued to a report called for

II Member)

The 10.8.35

OFFICE OF THE SECOND MEMBER OF COUNCIL
12 AUG. 1935
No.....

Jon 13/8

2b) The mistake of the A.S. is regretted. He is told to be more careful in noting

My recommendation was based on merits (from a perusal of the appeal petn & records) & may perhaps be appd.

II Member)

2c) Call records & defence etc & Stay order may be called for

The 13/8

NOTE—Contn. Sheet

WD 02555—50,000—GBB—8-[illegible]

203 of 1935-36

Mez Appeal of the Swamigalu & Sri Adhivasami Mutt — Gubbi —

File No. of 1935-36. General and Revenue Secretariat

Substitute a Off. to the M.C and a Off. to the Counsel for the petr

Gr 15/8/35

Jc 15/8/35

No 230 of 17-8-1935 to the Advocate for the petitioner intimating that a separate petition duly stamped is necessary in respect of the prayer for a stay order.

No 231 of 17.8.35 to the Munsiff Commissioner Calling for 3 relevant Panchayathi records to the Court

Petition of 23.8.1935 filed by Sri K. T. Bhashyam Iyengar B.A. B.L. Advocate on behalf of the Adhi Swami of Sri Thoreyur Gubbi praying for a stay of the Munsiff Commissioner's order so far as it relates to the dispossession of the petitioner from S No 101 of the Plan.

(1) Time report is invited to para 4 of the M.C's Order of 9/7/35 - The S.D.O has reported that Sri Adhi Swami Mutt which is a private Institution has been allowed to be constructed on S. No 100 belonging to the temple of Sri Chandrasekhara Swami

appe no 3 of 1935-36 — re.
A Sri Swamiji of Sri ... Math ... Dakshina Kannada

App. F. III—2j.

General and Revenue Secretariat

File No. 3 of 193

Serial No.

1 that a garden containing about 500 cocoanut trees, betel vines etc. situated in the same S. No is in the enjoyment of the Math. No Devadhu is endowed in the Math as alleged by the Complainant.

In para 6(a) of his app the M C has directed that the D.C. should take action for obtaining possession of S. No 100 on behalf of the temple from the Swamiji of Sri Adavi Math who has been in unauthorised occupation of it & to lease this & other lands under cultivation to the best advantage of the temple. As the Swamiji is said to be unauthorised possession of S. No 100 endowed for a different Institution, it is submitted that there is nothing wrong in the M.C's decision & is to comply with the request of the petitioner before the grant of a stay order — for accordingly the stay order will be rejected

G.V 27-8-85 (18) the Muzrai Commr. has directed the Dy. Comm., Dharwar dt., to obtain possession of S. No. 100 to restore it to the Sri Chandrasekharaswami

NOTE—Contn Sheet

WD 02553—50,000—GPB—8 7 30

Memo appl no 3 of 1935-36
See Adavi Swami, recd on 9/8/35

File No. of 1935-6 — General and Revenue Secretariat

temple. The Swamigalu of Sri Adavi Matt, who has appealed against the Inspl Comr's order referred to above, requests a stay the issue of stay order to prevent his eviction from S. No. 100 in which his matt is situated. ~~Submitted for orders.~~ It is a point for orders whether the matt should continue to enjoy the usufruct of the lands surrounding it pending the disposal of the appeal, in case Govt. decide grant a stay order.

27-8-35. 19) The Adavi Swami represents that a Mutt building has been constructed at great cost on S. no. 100 referred to be resumed and has advanced reasons for revising the orders passed so far as they relate to the resumption of his S. no. The records have been called for from the D.C. as per orders. A Stay order may be issued as requested.

27/8/35

Govt. Secy) 20) I have no dissenting opinion. Para 10 x Para 30 of the memo

27 AUG 1935

I agree

27/8

2/8/35

2/8/35

(2) Orders with two drafts, one to meet the other to the Counsel for the appeal petitioner —

G.V 2. 8.

2/7/35

No 317 & 30/8/1935 to the Mudgal Commissioner — Directing that his order in the Inamdar's appeal case referred to above be held in abeyance pending disposal of the appeal preferred before Govt by the rival claimant Mahadhapathi

No 318 & 30/8/1935 to the Counsel — [illegible]

Letter No Rt. 12/35-36 & 30.9.1935 from the Mudgal Commissioner — submitting records connected with the appeal of the Swamigalu of Sri Thota Mutt at Gubbi. Tumkur District.

(2) As seen from the Inam Regr of lands endowed (Vide Hagge- pp 206 & 207) at Gubbi there is one Channavirabadevaru Mutt endowed with (Reg. S. No 207 measuring 2 acres 4 Gunthas of land & in the list of Minor Inams — the institution is known as Sri Channabasaveshwara Swamiji ...

NOTE—Contn Sheet.

TYPING SECTION. 30 AUG. 1935 GENL & REV SECTT.

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Muz appl no 3 of 35-36
3 sc = 8 ac Thore mulla appl Gubbi

File No. of 193 . | General and Revenue Secretariat

2 under Gubbi - Page 10 of the printed list received under the M.E.
There is no institution known as Chandra-
Gavaleeswara Swamy temple
as thoroughly verified from the printed
registers available here. The Instt
is also in receipt of a Cash
grant of Rs 121-1-0 p.a. The
M.E. refers in his decision to the
Instt having S.Nos 96, 97, 100, 101
102, 103, 104 & 112 as endowed land.
This is a matter for verification
after obtaining all possible information
from the Registers & records in
Survey Office about the land grant
to the Instt - in order to meet the
objection raised by the petr in
para 6 of the P. & A.

26) Verification Miscellaneous necessary in the first instance. 14/11

25) D/f calling for information
Submitted for orders —

14/11/35

27) For perusal
& representation. 14/11/35

28) Manjoone - Six weeks for
Gen: Secy) proposal this is too long

14/11

14/11

14/11

GENERAL SECRETARIAT
14 NOV 1935
132

Noted for future
guidance.
GS 14/11/35

Serial No.

Subs 15/11

Letter no 636 dy 15-11-1935 to the Director of Land & Records, Survey & Settlement calling for extracts of Inam Registers opened to Muslims.

Letter no 120/35-369 26.11.1935 from the Director of Land Records Survey and Settlement forwarding copy of the Inam Register and Statement pertaining to lands endowed to Sri Channaveera devaru mutt at Gubbi and stating that there is no reference to Sri Thore mutt having been endowed with inam lands —

2) It is seen from the R & D that Sri Channaveera devaru mutt at Gubbi is endowed with S No 20 & Survey no 247.

3) In para 4 of the M.E.'s order no RTM 16/31-32 dy 8-5-35 it is said as follows: —

= As regards the property of the temple it is seen from the Khemwar patrika that the Maigiri alias Neta lands have been granted

Channaveera devaru temple & mutt at Gubbi

NOTE—Contn Sheet.

WD 03594—GPB—30,000—18 7 35

Hey. 1803 /

Hey File No. of 193 | General and Revenue Secretariat

Temple free of assessment for purpose of a Cope & they have either been brought under cultivation or are dry lands.

S. No.	96	0—18
"	97	5—23
"	100	1—35
"	101	1—12
"	102	1—2
"	103	1—30
"	104	2—24
"	126	1—26
		a. 16—10 g.

A

31) The records do not clearly show when & under which particulars above gone the above lands were given to the temple — This requires the most clear before M.C. as it is said that there must have been built on S. No 100 & agudee raised thereon which is said to be in the enjoyment of the Mahalibadis of Sri Thore Swami. Orders for asks —

CJS 3/7/00

32) The M.C. may be asked to

Sq. Mag appl 3 of 35-36. ——— filed by me
Aravinvami A— Sri Thore Thiu at Pallai

Serial No.

317

Question No 4 is of fact entirely which the S. No refused to ask A. leave granted to the temple for proper of a type fee of assessment and send the records of any connected Records. As the Custodian of the ~~Temple~~ appellant (Vide para 6 of the appeal petn) is not ~~entitled~~ there is no proper evidence to show that S. No 100 is temple property and the whole question is mainly dependent on this point, it seems necessary to have definite info on this point.

9/12

Yes (Secy) Yes No 10/12

10/12

34

D.A. Rec

GS 7/12

10/12 12/12 (35) Jr

Why was this draft delayed like the Supt's delayed for two days?

12/12

I had other many work to attend to as Superintendent and I had to attend to the urgent work of Mr. B. Raghavendra Rao - by which I was tied through a bridge to go and return by the time and return by the time I came back before after my duty hours. The draft order was prepared by me and I have to attend to the case - matter during my leave period. I request to my leave period. I request to this case to be delayed for two days.

12-12-35

12/12

Con and C.W. 12/12/35

No typing Mr. M. 1935 Mag re Commissioner Calang for additional records

Letter No Mc 12/35-36 dy 20.12.35 from the Mag re Commissioner requesting the return of this file no 16/31-32 or

WD 03591—GPB—30,000—18-7-35

816

Mdrs File No. of 193 . General and Revenue Secretariat

to be furnished with a copy of his office order
of 8/5/1935 for reasons stated therein.
36 If appl, the entire records should be
returned, as the other subordinate
offices may require their files back
for ref.

37) Def. rec'd —

GS 27/1/36

38) Jr to Govt. Yes 27/1/36

No 10 M of 27-1-1936 from the Mangrai
Commissioner returning the records referred
to therein for reference and necessary action — Rec'd 29/1/36

Letter no H.C. 12 of 35-36 of 5/2/36
from the Mangrai Commissioner
stating that no specific Government
order is traceable granting the Survey
numbers referred to therein to the Temple
of Sri Channabasaveswara Swamy
at Gubbi free of assessment for raising
a Tope — and that the grant must have
been prior to the original Survey Settlement.

39. M.C's. Office file leading to his
Order in appl no 16/31-32 of 8-5-1933 —
to be among the records received with the P & D.

Serial No.

Off. Calling for the same is sent for orders —

C.V. 7/2/12 401 dt 7/12

No 1079 of 8. 2. 1936 to the Mayvaram Commissioner Calling for his office file on the subject —

Letter No. R.C. 12/35-36 of 27. 2. 1936 from the Mayvaram Commissioner forwarding the records of his office on the subject.

41. The extention of the appeal petitioner is about S. No 100 of Gubbi Kasaba on which the petitioner's house is built & a small garden raised about [illegible] raised on the same Survey Number. The M.C has in his letter of 5/2/36 stated that no specific Govt order is traceable granting S. No 100, measuring 2 A & reported to have been in the temple of Sri Channabasaveshwara Swamy free of assessment for raising a tope, that the statement made in para 4 of his order dt. 5.7.1936 has been based on the entries in Khasra Pahani Patrike, Physal Patrike & the Pahani of 1877, & that the Govt. may be moved

NOTE.—Contn. Sheet.

WD 6594—GPB—30,000—18-7-35

Made prior to the original Survey Settlement.

42. According to the Phasli Sub Pahani of 1877 (Copies of which is among the records), Khandeam alias Inamdar of S. No. 100 (formerly numbered 82) is one Gubbi Hutcha Hanma Mallappa, the name of the land on Survey No. being a flower Garden.

43. As the Phasli Pahani of 1884 (Copies of which is found among the records) assessment as S No 82 (Present Number 100) has been Cancelled as the flower garden for which it is given is for the benefit of the public & the Number is shown in the name of Sri Gubbi Hanma. But in the Khatedar Pahani of 1922-23 (Copies being among the records) the S. No 100 is shown as Khanda belonging to a flower garden of Sri Gubbi Ahhaiyanavaru. How this Gubbi Ahhaiyanavaru is identified by the M.C. to be Sri Channabasaveshwara Swamy is not clear.

Serial No.

44. The petitioner in para 7 of the P.U.D.T contends that the particular S. No. 100 was a free gift to his predecessor in office by the ancestors of one Hutchaiah. This name occurs in the Phani Sud Pakuta of 1877, the Khandedars being Hutchappanna Mallappa. He refers to a Stamped document of 26/3/1891 which he says he would produce when called upon to do so. & adds further that the Charitable act of Hutchappa was later ratified by the Setty & Yajamans of the place, who have been all along the Validars of the Sri Channabasaveswara Swami Temple. There appears therefore to be great force in the Contention of the petitioner. The S. No. 100 is now claimed on behalf of Sri Channabasaveswara Swami & it is not clear why this was not put forth about 40 years back, so as to settle Sri Adavi Swami, the predecessor of the present Swami.

WD 03591—GPB—30,000—18-7-35

Ad. Stay A Stay order has already been issued — Two weeks if the case may be posted for a hearing —

GS 45. The appellant, Adavi Swami — 1273 galu of Thore matt, Gubbi, appeals against the order of the Mysore Comr. in appeal No. 16/31-32 dated 3rd May 1935, which

(a) appoints a Committee of Dharma saris for managing the affairs of Sri Channabasaveswaraswami at Gubbi, which is a minor Mysore institution,

(b) requests the Dy. Comr., Tumkur dt., to obtain possession of S. No. 100 of Gubbi ~~Taluka~~ on behalf of the temple, as the Swami of Adavi matt has been in unauthorized occupation of it, and to lease this and the other lands belonging to the temple and to dispose of the rights of collecting rent in the standy held in S. Nos. 96, 97, 102 and 104 belonging to the temple, and

(c). ~~Collection~~ directs the collection of the loans advanced from the funds of the temple ~~of the Mysore Commissioner~~ on ~~misappropriation~~ by Adavi matt. As S. No 100 is the only property of the ~~matt~~

Serial No.

temple affecting Sri Adavi Swami Matt, in his appeal against the M.C.'s order on this point, the Swami of the matt has not produced any document establishing his claim to S. No. 100, although he alleges that the land was in his possession for the past 50 years. Title to immovable property has to be proved by the production of documentary evidence. Such documents have to be stamped and registered under the Registration Regulation. The Indian Evidence Act also seems to insist on the production of such evidence in the case of claims to immovable property.

Para 7 of the S.D.O.'s report flag F

46. Some evidence has been adduced to show that the trees in S. No. 100 were left in the hands of the Swami for Dasoha or feeding people. The sub-Divisional officer, Gubbi Sub-Div., who investigated the case, after examining many witnesses

F

states in his report that the Swami has been permitted unauthorizedly to build a matt by the Lingayat merchants of Gubbi who were managers of the temple. The matt seems to have been constructed unauthorizedly like several other buildings

NOTE—Contn Sheet.

WD 03594—GRB—30,000—13-7-35

contended by the Enjayet merchants of Gubbi in the ✱ inam lands of the temple, which are contiguous. ✱ The S.D.O. states that the enjoyment of the land around the mutt in S. No. 100 by the Adavi Swami is entirely unauthorized and has been brought about by the connivance of the managers of the temple. The Inspecting Comm. in his order of 3rd May 1935 has also held that the Swami of Sri Adavi Mutt is in unauthorized possession of S. No. 100. The possession of the land by the Swami has therefore to be proved if he claims to be in possession of the land under the second proviso to sec. 10 of the Religious and Charitable Endowments Regulation, by the production of adequate and satisfactory evidence in the shape of receipts for godi or quit rent on S. No. 100, or other evidence by him. In the absence of such evidence, the evidence showing that he is in unauthorized possession of S. No. 100 referred to above seems to hold good. The Asst. Secy. Law Section, may be consulted on this

✱ J & G

P

J

Serial No.

point and on the point referred to at the end of para 45 of the notes.

14.3.36.

4)) For forms of advice.

14/3/36

Addl Govt Law Offr with Compts

48 Xavi

This is an appeal under sec 38(2). This sec is recently amended. Doesn't apply to this case as to how — Please study & note

14/3.

49)) This is an appeal against the R.D.'s order passed under sec 10 of the R. & Ch. Endts Regn. The R.D. has held inter-alia that S.No. 100 on which the Adavi Swami Matt is situated belongs to the Sri Subbi Shanmukasundara Swami Temple, and that the present appellant is in unauthorised possession of the same, and therefore necessary action should be taken to evict the said land from the Temple.

50)) The main Contention urged in the appeal is that the land in question is a gift to the Sri Adavi Swami under a stamped document dt 18.7.1889 which is not produced, and that it does not belong to the temple as observed by the R.D. This is a question of fact and has to be determined on the documents available. In fact the R.D.'s order on the point is based

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7 35

5703

Mrs File No. of 193 5. General and Revenue Secretariat

upon the entries in the khasra patwaka, the Mauzal patwaka and plans and of 1877.

(3) Under sec 35 (2) of Reg^{n} VIII of 27 as amended by Reg^{n} VIII of 35, no appeal shall lie to Govt from an appellate decision passed by the M.C. except on a point of law or usage having the force of law.

(4) There is no question of law involved in the present appeal. Consequently no appeal will lie to Govt. The aggrieved party may however if he desires, file a review petn before the M.C., and establish his case on the strength of the alleged documentary evidence.

232 Law

15/1 19/1.

(5) Please put up Reg VIII of 1935. When did it come into force?

BDE 20/3.

(6) A copy of the Reg^{n} VIII of 35 is put up. The Reg^{n} is silent about the date on which it would come into force. In the absence of such a provision it may be taken that it would come into force from the date of its promulgation i.e 27.12.35. This appeal was filed on 3.8.35.

15/1 20/3. (7) Reg^{n} VIII of 1935 has no retrospective effect & cannot apply to this case.

Serial No.

56) This case has arisen out of a complaint made regarding mismanagement of a minor inam distribution, namely, Sri Gubbi Channa basaveswara Swami temple. On enquiry made, the Mnr Court came to the conclusion that the fact of mismanagement was proved and he ~~has~~ therefore directed the management being taken over from the present Rejimans and entrusted to a Committee of Dharma Darsis to be appointed under section 6 of Regulation VII of 1927. From the correspondence that has taken place between the Govt & the Mnr Court before this order was made by the latter, it is clear that the order passed is not one under Sec 18 of the Regulation, but only under section 6. An appeal to Govt by the parties aggrieved that is by the Rejimans has also been rejected in Mnr file 288-34 (56 1-3).

P
[Mnr 169-30-(1-2)]

V

57) In the course of this order, the Mnr Court has directed further action being taken to recover possession of S. No. 100 belonging to the temple and now in the unauthorised possession of Sri Adavi Swami of "Thore" Mutt. From this part-

NOTE—Contn Sheet.

WD 03594—GPB—30,000—18-7-35

of the order, the Swami of this Mutt has filed the present appeal - I am inclined to think that the appeal now filed is premature. The order of the Hur Comr ~~is not the case under~~ so far as this point is concerned is neither under Sec 10 nor Sec 19 of the Regulation - It only directs further action being taken under any of the two sections best suited for this purpose - The order of the Hur Comr is therefore in the nature of an interlocutory order on the executive side and Sec 38 does not ~~at all~~ allow an appeal from such orders -

The questions raised in the present appeal can only be decided after an enquiry held either under Sec 10 or Sec 19 of the Regulation and no such enquiry has so far been held. The Hur Comr's letter of 3 Jan 1934 clearly indicates this.

5) Under these circumstances I think that this appeal has

Muz appl no 3 of 1935-36
filed by Adaiwaran A/s Thoothukudi

General and Revenue Secretariat — Muz File No. 46 of 193 — [App. F. III-

Serial No.

to be rejected as being premature and not maintainable under the Regulation VII of 1927

(b) asst. Secy. may be with empts

23/3/36

If approved the appeal may be rejected as per Law Asst. Surjo opinion at para 5 supra and the M.E. requested to have an enquiry held as suggested at para 5 above.

23/3/36

GENERAL SECRETARIAT 23 MAR. 1936

OFFICE OF THE FIRST MEMBER, BOARD OF REVENUE 28 MAR. 1936

Gen: Secy) This may be app

28/3

First Member)

(b) PR p 31/3

4. APR. 1936 GENL & REV. SECTT.

(b) Dft sd 4-4 2/4/36 4.4.36.

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

(b) 4/4/36

914

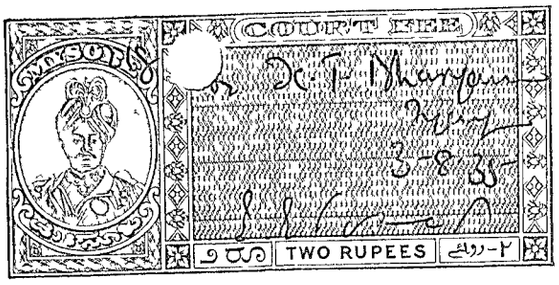
Mug appl 3 of 35-36

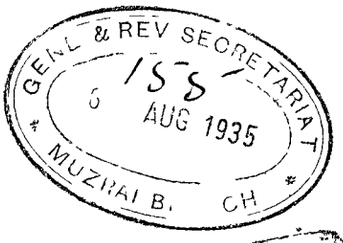
Mug File No. 46 947 of 1935. General and Revenue Secretariat

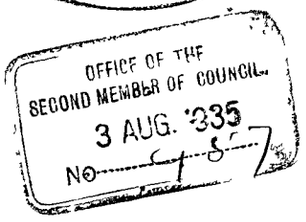
No 1418 of 8.4.1936 to The Mahadhipathi of Sri Thya Mula at Cybeei rejecting the petition as being premature —

No 1419 of 8/4/36 to the Mug rai Commissioner with instructions as specified therein

B
11-4-36







BEFORE THE GOVERNMENT OF H. H. THE MAHARAJA OF MYSORE - BANGALORE.

Muzrai Appeal No. 3 of '35-36.

APPELLANT:

Sree Adavisvamigalavaru of "Thore" Mutt - Gubbi.

Appeal against the order of the learned Muzrai Commissioner in Appeal No. 16/31/32 so far as it relates to Sri Adavisvami Mutt only.

***

The appellant respectfully begs to file this appeal under Section 38 (2) of the Mysore Religious and Charitable Institutions Regulation against the order of the learned Muzrai Commissioner in appeal No. 16 of 1931-32 in the matter of the management of Sri Chennabasaveswarasvami Temple at Gubbi - An authenticated copy of the -- order appealed against is attached hereto.

2. The appellant submits that according to the admission made in the order itself Sri Adavi Swami Mutt is a private institution and the provision of law under which action is proposed to be taken -- against this private institution has not been mentioned.

3. Provisions of Chapter II and III of the ---

Regulation do not apply to Mutts or other institutions of a similar nature and there is no provision in Chapter IV of the Regulation to deal - with lands other than inam lands granted by the Government for the up-keep of any Mutt or other similar institutions.

4. Even admitting for the sake of argument that Mutts are also Religious and Charitable --- Institutions, the provisions of Chapter III cannot be made applicable to them as it is clearly laid down in Section 24 that those provisions do not -- apply to Mutts.

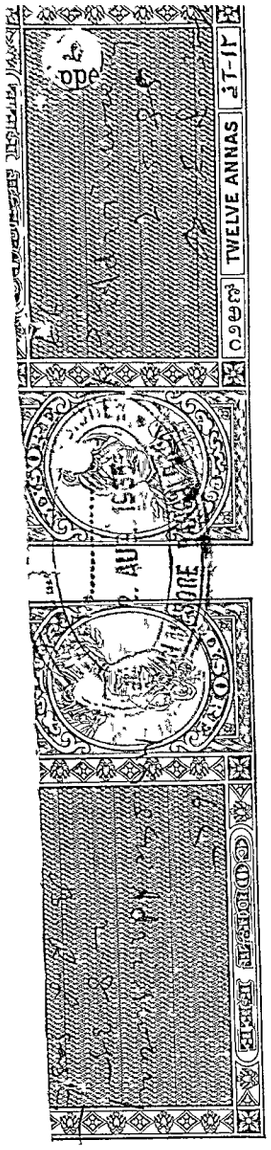
5. Admitting further for the sake of argument that the question directly concerned pertains to the property belonging to a Muzrai Institution and not to a Mutt, the case is governed by the second proviso to Section 10 of the Regulation, for according to the -- admission made in the order of the learned Muzrai --- Commissioner, the land has been in the uninterrupted possession and enjoyment of the Mutt for over 50 years before the passing of the Regulation and there is thus no provision of law under which the appellant can be disturbed from his position.

6. Except a stray entry in Khetwar Patrika that the land, among others, was granted by Government to - the temple free of assessment for purposes of a tope, no other reliable authority has been cited for assuming that S. No. 100 is Temple Property. The endorsement granted by the Director of Land Records in Exhibit (enclosed in original) that S. No. 100 does not partake of the nature of an inam of any kind and its non-mention in the Quit rent register of the Taluk (in which lands were under the Land Revenue Rules) does not give the conclusion of the learned Muzrai Commissioner.

7. The land in question which adjoined the compound of Sri Gubbi Dhanu Doddeshwara Swami temple and which was the self acquired property of the --- ancestors of Putcheppa and others was which contained already a mutt known by the name "Doddi" mutt, with grounds, flower garden and a well, was free gift to Sri Advi Swami under a stamped document dated 15th July 1889. This charitable act of Putcheppa and ---- others was approved and ratified by the deity, Lingam and others of Gubbi under a stamped document dated 26-3-1891. (The originals of these documents will be produced whenever called upon to do so). Immediately after the gift was made, Sri Advi Swamy, predecessor of the -- appellant, rebuilt the mutt at a cost of about Rs. 10 to fifteen thousand rupees and brought it to its present efficient condition. The mutt of the appellant is situate nearly fourlines away from the -- Temple and has nothing to do with nor is it a part of the temple.

8. The report said to have been made by the Sub Division Officer to the effect that Sri Advi Swami was allowed to be constructed on a portion of the Devasthanam to the Temple and accepted by the learned Inam Commissioner is erroneous for what was given to Sri Advi Swami was not the land, but the mutt, the tope, the well or room and the Agraharam which existed there previously for the purpose of feeding the pilgrims and for [illegible] after getting the mutt building repaired. The gift was to be absolute and to be enjoyed in heredity by the ...

9. The appellant submits that the observations of the learned Inam Commissioner that the appellant is in unauthorised occupation of the land, the records now available do not support the ---- narrated above. It may also be ...



Order of the Muzrai Commissioner in Ellpoare, Bangalore

Reference:-

Appeal petition dated 11-3-32 of N. Channappa against the order of the Deputy Commissioner, Tumkur District, in respect of the alleged mismanagement of Sri Channabasaveswaraswami temple at Gubbi

2. Letter No. M.1760/31-32 dated 14-12-33 from the Deputy Commissioner Tumkur district submitting the Sub division Officer's detailed report of enquiry in the matter, and stating that the latter officer's suggestions with regard to the future management of Sri Channabasaveswaraswami temple may be accepted.

Order No. Appl: 16/31-32 dated 30th/31st May 1935

The temple of Sri Channabasaveswara at Gubbi is a minor Muzrai institution. The records show that the management of this institution has been vested from time immemorial in the Setty and the Yejmans of the Linga-yet Community of the place. This mamool was recognised in 1884 by the then Deputy Commissioner according to whose orders the Setty and Yejmans are held responsible for the administration of the endowment funds and the conduct of the several sevas.

2. The allegations of mismanagement made by the appellant may be briefly summed up as follows:-

(1) Non performance of endowment sevas

(2) Mismanagement of the temple property.

(3) Misappropriation of the income of the temple by the Sethy and the Yejmans of the place who are the present managers of the institution or by the Shanikas (archaks).

(4) Non-maintenance of accounts of income and expenditure.

3. As regards the endowment sevas, it is reported that there are in all 23 sevas for which a total sum of Rs 3087-01 has been paid by the devotees. It is stated that in some cases the original utsavas for which the donations were made have been replaced by others and some of the sevas have been completely stopped. The endowment amounts appear to have been entrusted to private persons in some cases. The present managers are reported to have taken no action to enforce the liability of the borrowers either to perform the sevas or to pay back the prudwat fund in their hands and that the bonds executed by the latter have in some cases become time-barred involving loss to the institution.

4. As regards the property

S. No.	Extent A. G.
96	0 - 18
97	5 - 23
100	1 - 35
101	1 - 12
102	1 - 2
103	1 - 30
104	2 - 24
124	1 - 26
	16 - 10

of the temple it is seen from the Khatuvani patrika that the marginally noted lands have been granted by Government to the temple free of assessment for purpose of a tope and they have either been brought under cultivation or used as shandy ground. It appears from the sketch that the S. Nos: are all contiguous. The Sub Division Officer remarks that Adhivi-swami Matt which is a private institution has been allowed to be constructed on S. No. 100 belonging to the temple some 50 years ago and that a garden containing about 50 cocoanut trees, betel vines to be situated in the same S. No. is in the ~~out~~ enjoyment of the Matt. No Dasoha is conducted in the Matt as alleged by the respondents. S No 124 has become a vegetable garden as having a permanent water supply and has been leased out for a very small gutta of 3 maunds of oil per year. The cocoanut trees behind the temple in S. No. 103 have been leased out permanently for Rs 6/- p. a. as which is utilised by the archak himself unauthorisedly. S. No. 104 contains 10 cocoanut and 20 hippe trees but they have been badly neglected. Weekly shandy is held in S. Nos 96 & 97, 102 & 104 belonging to the temple and some mantaps and buildings have been unauthorisedly constructed therein by several Lingayet merchants of Gubbi, but no ground rent is regularly levied on the stalls, shops etc

in the shandy. The mandi merchants and temple servants are appropriating the proceeds of the manure collected on shandy days. The Sub division Officer states that the Municipal Council is agreeable to pay Rs 800/- to the temple if it is given a family long lease of the shandy area and is permitted to take the realisation from the manure The Council is also said to be willing to permit the temple authorities to collect shop tax etc. and to appro-priate the income from the manure during the jatra week.

5. Large sums were collected for the new temple car and ground rent was levied for some years during the annual jatra but no accounts have been kept till now by the Setty and Yejman (present managers) for the amount collected and spent.

6. From the facts stated above, it has to be concluded that the manage-ment of the temple and its properties has been deplorably neglected by the Setty & Yejman and that their con-tinuance in sole charge of the in-stitution would be detrimental to its interests. The management of the institution will & in the cir-cumstances, be taken over from the hands of the present managers and the future management regulated as follows:-

(a) A Committee of Dharmadarsis will be appointed under Sec: 6 of the Mysore Religious and Charitable Institutions Regulation. As required by rule 6 (2) of the Rules published in Notification No. 1467/Hus.226-26-5 dated 22-2-28 the Dharmadarsis will be selected from among persons interested in the proper management of the institution including persons belonging to Non-Lingayet Communities who, it is reported are also devotees of the temple and made liberal contributions in the past for its benefit.

(b) Action will be taken by the Deputy Commissioner to obtain possession of S.No. 100 on behalf of the temple from the Swamy of the Adavi Matt, who has been in ~~unat~~ unauthorised occupation of it and to lease this and other lands under cultivation to the best advantage of the institution. The right of collecting rents for the use of the shandy grounds including the permanent structures should also be sold, the Deputy Commissioner having the discretion to accept the terms offered by the Municipality or to sell the right in public auction for definite periods.

(c) Such of the loans as have been advanced from Pudumat funds

and are recoverable, should be re-
covered and fresh bonds obtained in
the case of others, the amounts that
have become irrecoverable due to
negligence and omission of the
managers having made good by them
the sevas for which the endow-
ments were originally made, should
be incorporated in the scale to be
fixed.

Sd/ N. Madhavarao
Mysore Commissioner.

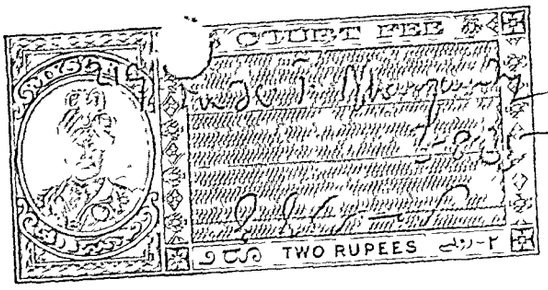
Copy applied for by Mr. S Venkata-
rahaiya on 5-7-35
" ready on 12.7.35
" delivered on 17.7.35
No. of words 1020
Copying fees 1-6-0
Comparing " 0-3-8

1-9-8

Copied by S. Jayaramarao
Compared by H Hanumantharao

" Copy "

M Ramaswamy Ayyangar
Manager
Mysore Comm's Office
Authenticated ~~Certified~~ on 2.8.35.
on production of Court fee
Stamps.



Before the Hon'ble H.H. The Maharaja

In the High Court of Mysore

BANGALORE.

Muzrai Appeal No. OF 1935–1936.

Appellant.

Sree Adaviswamigalavaru of "Thore" House Gubbi

vs.

Messrs K. T. BHASHYAM IYENGAR, B.A., B.L., & M SESHADRI, B.A., LL.B
Advocates

.....the above named do hereby nominate and appoint the said advocates in the above case and do hereby empower the said advocates to appear for and on behalf in the above case, to take all steps which may be necessary on behalf arising out of or in connection with the above case either during progress or after its decision to sign and subscribe their names to any document which they may deem proper to execute any decree that may be passed in favour and to receive out of the Court any refund of money wich may be lodged or become payable or recoverable on behalf and on receipt thereof to grant receipts or other sufficient discharges for the same, to withdraw, compromise or refer to arbitration the said case to appoint one or more substitute or substitutes and to act and perform all other matters and things relating thereto or connected therewith, to represent in matters relating to the same and to act as fully and effectually to all intents and purposes as might do if personally present and did the same. And do hereby agree to pay all fees costs charges and expenses which may be incurred and to allow, ratify, and to confirm whatsoever the said Advocates shall lawfully do or cause or procure to be done by virtue of these presents.

Accepted

Signed before me by the executant who is known to me

Advocate

Advocates for Appellant

Appendix F G—1]

SUBJECT .....

.....

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Section Uu

File No. 46-35

Serial No. 2

Diary No. of letter replied to .....

No. 930

To

Mr. V. T. Bhashyam Iyengar
Bar-at-Law.
Advocate-Collector
Bangalore City.

General and Revenue Secretariat

( )

the *193* .

Date of issue 17-8-31

Signed by Muddukrishnappa

Dear Sir,

With reference to
your petition dated 30-3-31 filed by you on behalf
of ~~the~~ Adavi Swami of
Sri Thore Mane at Gubbi appealing
against the decision of the
M.C. in Suit Appl No 160 of
31-32, dated 8/5/31 ~~on the file of this Court~~.

I am directed to inform you
that in respect of the request
for a stay of the order passed

List of enclosures .....

Copied by .....

Examined by .....

Appendix F G—1]

SUBJECT .....

.....

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Section Mug.

File No. 46-35

Serial No. 3

Diary No. of letter replied to .....

No. 231

To

The M.C.

~~Subject~~ —

General and Revenue Secretariat

( )

the 193 .

Sir,

Date of issue 17-8-35

I am directed to state that Adaiwami of Sri Thore Mutt at Gubbi has preferred an appeal to Govt. against your decision in ~~A.B.N.~~ 16/31-32 & 8/5/35 on the file of your Court. So far as it relates to Sri Adaiwami Mutt and to request you to be so good as to forward at a very early date the ~~connected~~ Sheristadar ~~records~~ connected with the case so far as it relates to

Signed by Muddukrishnappa

List of enclosures .....

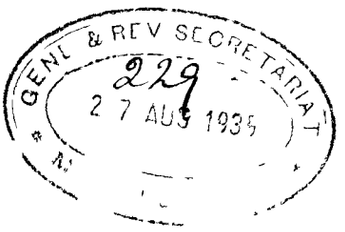
Copied by .....

Examined by .....

41

Mez 46-35-4

TWO RUPEES



BEFORE THE GOVERNMENT OF H. H. THE MAHARAJA OF MYSORE - BANGALORE.

Muz: Appeal No. 3 of 35-36.
Stay Petition No. of 35-36.

Presented by V. Rashyagarya & Co. 23/8/35.

Appellant:

Adaviswamigalavaru, Gubbi.

*****

Received on 25/8/35.

The appellant abovenamed most humbly and respectfully prays that pending disposal of his appeal by the Government, that portion of the order under appeal which relates to - the dispossession of appellant from S. No. 100 in Gubbi may be stayed and an endorsement --- kindly issued to him in this behalf, since the Taluk authorities are about to remove him from possession of the Mutt and the land.

Bangalore City
23rd August 35.

V. Rashyagarya & Co.
ADVOCATE FOR APPELLANT.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 30th August 1935.

317 Rec 1
Mcg 46-35-5

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Muzrai Commissioner in Mysore, Bangalore.

Sir,

In continuation of this office letter No.231 dated 17th August 1935, I am directed to state that your order No. Appl. 16/31-32 dated 8th May 1935 so far as it relates to the dispossession of Adviswamigalu from survey No.100 in Gubbi, may be held in abeyance pending the disposal of the appeal preferred before Government by the said - Matadhipathi.

I have the honour to be,
Sir,
Your most obedient servant,

for General Secretary to Govt

pendix F. G.–1]

UBJECT.....

.....

.....

Section. Mem

File No. 46-35

Serial No. 5

No. 317 Genl

To

The M.C

Sir,

In continuation of this office letter No 231 of 17-8-1935, I am directed to state that your order No APPL 46/31-34 of 8/5/35 so far as it relates to Sri Adavi Swami ~~Thota Gunnaiah~~ of Gabbili of which Adavi Swami is the Matadhipathi, may be held in abeyance pending the disposal of the Appeal preferred before Govt by said matadhipathi.

I have Etc

Diary No. of letter replied to.....

General and Revenue Secretariat.

( )

the *193* .

Date of issue 30-8-35

Signed by V. Meddelekurthappa

re dispossession of Adaviswamigaru from S. No. 100 in

List of enclosures.....

Copied by.....

Examined by.....

G.S 30/8/

For Secretary

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 30th August *193* 5

No. 318
Mog 46-35-6

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

K.T. Bhashyam Iyengar, Esq., B.A., B.L.,
Advocate, Cottonpet, Bangalore City.

Sir, Dear sir,

With reference to your petition dated 23rd August 1935 filed on behalf of Adaviswamigalavaru, Gubbi, I am directed to inform you that the request for a stay of orders passed by the Luzrai Commissioner in so far as it relates to Sri Adavi Swami Mutt at the place is granted.

Yours faithfully,

for General Secretary to Govt.

Appendix F G.–1]

SUBJECT.....

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Section Misc

File No. 45-35

Serial No. 6

Diary No. of letter replied to ....

No. 318

To

Mr K. T. Bhashyam Iyengar
Compiler of A.I.R.
Advocate of Bangalore City

General and Revenue Secretariat.

( )

the *193* .

Date of issue 30-8-35

Dear Sir,

With reference to your
petn dy 23.8.35 filed on
behalf of Adavi Swamigalavaru
Gubbi, I am directed
to inform you that the
request for a stay of the
proceedings by the M.C. in
so far as it relates to
Sri Adavi Swamigalavaru
at the place is granted

By order,

Signed by B. Muddukrishnappa

List of enclosures.....

Copied by.....

Examined by.....

G.S
30/8.

For Secretary

4-6

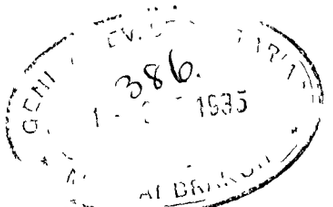
OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

HC 12
35.36 Enc. 2 pcs

Bangalore, 26th September 1935.
30

FROM

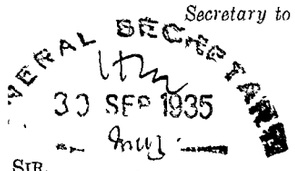
N. MADHAVA RAU, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore,
Bangalore.



Muz 46-35-7

To

H. V. Ramaswami, Esq., M.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
.....General ..... *Department*



SIR,

Re: appeal of Sri Adavi Swami of Sri Thore Matha, Gubbi Town.

Adverting to your letter No.230/Muz. dated 16/17th August 1935 calling for the entire records re: the above, I have the honor to forward herewith the file of vernacular records received with the Tumkur District Deputy Commissioner's letter No. Muz.C.617/35-36 dated 24th September 1935. This office file No.App.16/31-32 is also enclosed.

I have the honor to be,
Sir,
Your most obedient servant,

For Muzrai Commissioner.
(Absent from headquarters.)

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. 636/Inam 46-35-8

Dated, Bangalore, 15th November 1935.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Director of Land Records,
Survey and Settlement in Mysore, Bangalore.

Sir,

I am directed to request you to be so good as to forward -- extracts of Inam Registers and Inam Statements in respect of lands endowed for the support of Sri Chennabasaveswara Swami temple at Gubbi, Tumkur District, or Sri Chennabasavasamadhi or Sri Chennaveeradevaru Mutt at the place and also to request that the present resurvey numbers may kindly be noted against the old numbers that may may be found in the Inam Register. I am furthor to request that information regarding inam lands if any endowed to Sri Thore Mutt at the place may also be furnished.

The matter may kindly be treated as urgent.

I have the honour to be,
Sir,
Your most obedient servant,

For General Secretary to Government.

Appendix F G—1

SUBJECT .....

.....

.....

Section Mag

File No. Leb 35

Serial No. 8

Diary No. of letter replied to 386

No 636

To

The Dir of Land Records
Survey & Settlement.

General and Revenue Secretariat

( )

the *193* .

Date of issue 15-11-1935

Signed by Mr B.R.

Sir,

I am directed to request you will be good as to forward extracts of Inm Regrs & Inam Statements in respect of lands enjoyed for the support of Sri Channabasaveshwara Swami temple at Gubbi - Inamdar Dt, or Channabasava-Samasthe or Sri Channabasa devaru Mutt at the place & also to request that the present Re: S. Nos may kindly be noted

List of enclosures .....

Copied by .....

Examined by .....

WD 71—GPBM—40,000—20-7 31.

that maybe
against the old Nos. found
in the Index Register. The
Matter may then be
treated as useful.

I am etc

2/14/11

Forgusee.

I am further to request
that inform about re-
in case lands granted
with those held at
the place may also be
furnished —

C.S
'38

Government of Mysore. 592 60

DEPARTMENT OF LAND RECORDS, SURVEY AND SETTLEMENT.

No. 120/35-36 Revenue Survey Offices,

Encl. Two Copies Dated, Bangalore 19th Nov. 1935.

From

G.B. HEBLIKAR, Esq., B.A., LL.B.,
Director of Land Records in Mysore,
Bangalore.

To

M. Venkatesha Iyengar, Esq., M.A.,
General Secretary to the Government of
H. H. the Maharaja of Mysore, Bangalore.

Sir,

As desired in your letter No.636/Muz. dated 15-11-1935 I have the honor to forward herewith a copy of the Inam Register and statement pertaining to land endowed to Sri Chennaveeravadera Mutt at Gubbi and to state that the old field number has not been entered in the Inam Register. The original survey number of the land in question being 207 as per Quit-rent Register, its corresponding resurvey number is 247.

As regards inam lands endowed to Sri Thore Mutt at Gubbi there is no reference thereto, in the inam register of the Gubbi Village.

I have the honor to be
Sir,
Your most obedient servant,

Director.

ನಂಬರು

ಸನ್ನದಿನಲ್ಲಿ ಆಗಲಿ ಸನ್ನದು ಇಲ್ಲದ ಪಕ್ಷದಲ್ಲಿ ಲೆಕ್ಕದಲ್ಲಿ, ದಾಖಲಾಗಿ ಬಿರುವ ಹೆಸರು.	ಹಾಲಿ ಇನಾಂ ಅನುಭವಿಸುವರ ಹೆಸರುಗಳು.	ಸರ್ವೆ ನಂ.	ಪೋಡು ನಂ.	೦ - ಎನೇ ಮೇಸ್ತ್ರಿ ನನ್ನಿ ನಮೂದು ಇರುವಂಥಾಪಂಗ ಸಂಬಂಧ.	ಈಗ ಹಾಜರು ಇರುವ ವಂಶದ ತಪಶೀಲ.	ಯಾವಾಗ ಯಾವ ರೀತಿಯಿಂದ ಇನಾಂ ಸಂಪಾದಿಸಲ್ಪಟ್ಟದ್ದು ಮತ್ತು ಅದರ ಷರತ್ತು.	ಮೊದಲು ಸನ್ನದಿನಲ್ಲಿ ಇರುವರಿಗೂ ಲೆಕ್ಕದಲ್ಲಿ ದಾಖಲೆ ವರಿಗೂ ತಥಾವತ್ತು ಅನುಭವಿಸತಕ್ಕ ಸಾಗುವಳಿ
೧	೨	೩	೪	೫	೬	೭	೮

ಸ್ಟೇಟ್‌ಮೆಂಟ್.

ಬೀಜವ ಬೀಜ ಪಾಲಿ ಸೀಲ್.	ಇನಾಂ ಸರಹದ್ದು ಚಕ್ಕು ಬಂದಿ.	ಹಾಲಿ ಇನಾಂ ಅನುಭ ವಿಸತಕ್ಕ ತಪಸೀಲ್.	ಇನಾಮಿನ ಹಿಂದಿನ ದಸ್ತಾಲ ಹುಟ್ಟುವ ಮತ್ತು ಸರಕಾರಕ್ಕೆ ಕೊಡತಕ್ಕ ಜೋಡಿ.	ಹಳೇ ಸನ್ನದುಗಳು ಮತ್ತು ಹದ್ದುನಾಮೆಗಳು ಮತ್ತು ಇನಾಮಿಗೆ ಸಾಧಕವಾದ ದಸ್ತಾವಜುಗಳು.	ಜಪ್ತಿ ಅಥವಾ ಜಾರೀ ಆದದ್ದನ್ನ ಕಾರಿತು ಯೇ ನಾದರು ಹುಕ್ಕುಂ ಹುಟ್ಟಿ ಇದ್ದರೆ ಅದರ ತಪಸೀಲ್.
	೯	೧೦	೧೧	೧೨	೧೩
೧	ಊರಿನಿದಪ್ಪಿ				
೨	೧.ಸ್ಥಿರವಾದ ಸ್ಥಿತಿಯಲ್ಲಿ ಸ್ವಾಧೀನವಾಗಿರುವ ತಿಳಿಸಿಲು.				
೩	೨.ಕಟ್ಟಿಸಿರುವ ಕಟ್ಟಡಗಳು				
೪	೩.ಮರಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ಸೀಲು				
೫	೪.ಕಟ್ಟಡಕ್ಕೆ ಹೊಸ್ಮಠ ಸಂಬಂಧವಾಗಿ				

ಎಲ್ಲಾ ಲಿಂಬುಮುಖಂಡರಿಗೆ ಅರಿಕೆ.

ನಿಮ್ಮ ಹಿರಿಯರು ಇಂದಿನವರೆಗೂ ಅನುಭವಿಸಿಕೊಂಡು ಬಂದಿರುವ ಇನಾಮು ಭೂಮಿಯನ್ನು ಸರಕಾರದವರು ಪರಿಶೀಲಿಸಿ ಅದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಪತ್ರಗಳನ್ನು ಕೊಡಬೇಕೆಂದು ಆಜ್ಞೆ ಮಾಡಿರುವುದರಿಂದ ಈ ಕೆಳಗಿನ ವಿಷಯಗಳನ್ನು ಚೆನ್ನಾಗಿ ಗಮನಿಸಿ ಅದರಂತೆ ನಡೆಯಬೇಕೆಂದು ಸೂಚಿಸಿದೆ.

೧. ಇನಾಮು ಭೂಮಿಯ ಸರಹದ್ದು ಚಕ್ಕುಬಂದಿಯನ್ನು ಸರಿಯಾಗಿ ಗುರುತಿಸಿಕೊಳ್ಳಬೇಕು.

೨. ಇನಾಮು ಭೂಮಿಯಲ್ಲಿ ಹಿಂದಿನಿಂದಲೂ ಇರುವ ಮರಗಳನ್ನು ಕಡಿಯಬಾರದು.

೩. ಇನಾಮು ಭೂಮಿಯಲ್ಲಿ ಹೊಸದಾಗಿ ಮರಗಳನ್ನು ನೆಡಬೇಕು.

೪. ಇನಾಮು ಭೂಮಿಯಲ್ಲಿ ಹೊಸದಾಗಿ ಕಟ್ಟಡಗಳನ್ನು ಕಟ್ಟಿಸಿಕೊಳ್ಳಬೇಕಾದರೆ ಸರಕಾರದವರ ಅನುಮತಿಯನ್ನು ಪಡೆಯಬೇಕು.

೫. ಇನಾಮು ಭೂಮಿಯಲ್ಲಿ ಹೊಸದಾಗಿ ಕಟ್ಟಿಸಿಕೊಳ್ಳುವ ಕಟ್ಟಡಗಳಿಗೆ ಸರಕಾರದವರು ಕಂದಾಯವನ್ನು ವಿಧಿಸಬಹುದು.

೬. ಇನಾಮು ಭೂಮಿಯಲ್ಲಿ ಹೊಸದಾಗಿ ಕಟ್ಟಿಸಿಕೊಳ್ಳುವ ಕಟ್ಟಡಗಳಿಗೆ ಸರಕಾರದವರು ಕಂದಾಯವನ್ನು ವಿಧಿಸಬಹುದು.

೭. ಇನಾಮು ಭೂಮಿಯಲ್ಲಿ ಹೊಸದಾಗಿ ಕಟ್ಟಿಸಿಕೊಳ್ಳುವ ಕಟ್ಟಡಗಳಿಗೆ ಸರಕಾರದವರು ಕಂದಾಯವನ್ನು ವಿಧಿಸಬಹುದು.

೮. ಇನಾಮು ಭೂಮಿಯಲ್ಲಿ ಹೊಸದಾಗಿ ಕಟ್ಟಿಸಿಕೊಳ್ಳುವ ಕಟ್ಟಡಗಳಿಗೆ ಸರಕಾರದವರು ಕಂದಾಯವನ್ನು ವಿಧಿಸಬಹುದು.

೯. ಇನಾಮು ಭೂಮಿಯಲ್ಲಿ ಹೊಸದಾಗಿ ಕಟ್ಟಿಸಿಕೊಳ್ಳುವ ಕಟ್ಟಡಗಳಿಗೆ ಸರಕಾರದವರು ಕಂದಾಯವನ್ನು ವಿಧಿಸಬಹುದು.

೧೦. ಇನಾಮು ಭೂಮಿಯಲ್ಲಿ ಹೊಸದಾಗಿ ಕಟ್ಟಿಸಿಕೊಳ್ಳುವ ಕಟ್ಟಡಗಳಿಗೆ ಸರಕಾರದವರು ಕಂದಾಯವನ್ನು ವಿಧಿಸಬಹುದು.

Register Sheet No: 63.

Taluk. ..... Lalè Kadabra (now Gubbi)

Sammat ... Gubbi.

Village ... Gubbi.

ಅನುಬಂಧ ಸಂ Register of Inams in the village of Gubbi

CLASS, EXTENT AND VALUE OF INAM

Number of case or entire holding under one grant in this village	General class to which the Inam belongs	Survey No and name of field or fields comprised in the grant Dry wet or garden	Extent	
			Local measure. Even where the local measure is in acres, guntas, and annas, it is to be entered in this column	Measure in acres and their fractions in decimals
1	2	3	4	5
·7	Jangam Matt.	Dry	0-2-14.	1·88.

Dammat of Gubbi in the Taluk of Kadaba now in Udupi Dt.

		DESCRIPTION, TENURE AND	
Old assessment	Survey assessment	Description of Inam	
Where no survey has been made and no assessment fixed by Government, the cess paid by the ryats to the Inamdar, or the average assessment of similar Government land, should be entered in column 7		If for service, it is to be stated whether the service is still continued If for tanks, buildings, etc, whether they are efficiently kept up Hereditary or for life	Whether free of tax, etc, or liable to quit-rent, i.e. jodi etc, amount of latter to be entered
6	7	8	9
D: 1-5-0 or Rs: 4-5-10.	—	Granted for the Support of Bhemavara Venkataramana Matt in this Village. The Matt is said to be in good order	Free.

DOCUMENT IN SUPPORT OF THE INAM

By whom granted and in what year	Written instruments in support of the claim, original sannad, all miscellaneous documents, and other proofs of long possession. In this column it should be stated whether the Inam is held with or without grant, whether the grant is produced or lost, etc., and the general specification of terms of all documents produced should be given.
10	11
Granted by H. H. late the Maharaja on 26th November 1822.	1. Cyle Nirup of H. H. to the Amildar granting an Inam of 15 Fanams with directions to mark of land when the grantee requires in Gubbi and mark Stones as boundary marks. 2. Order of the Amildar to the grantee dated in 1823 in conformity with the above Nirup.

Tumkur

NAME AND RELATIONSHIP OF ORIGINAL GRANTEE AND

Name of original grantee	Name entered in the register prepared by Poorniah up to 1810	Name entered in the accounts subsequent to 1810
12	13	14
Chennaviradevaru vadeya Matt.	No entry in 1807.	1832. Chennaveeradevaru Yadeya Matt Dry 0-7-8. pegodas. 1-5-0. pymaish of 1836. — Ditto — Dry 0-2-14. 1849 Not entered.

of the

OF SUBSEQUENT AND PRESENT HOLDERS

Particulars regarding present owner If the mam has been subdivided the name, etc, of each share should be entered in the columns

Residence, name and age, etc	Relation to original grantee or subsequent registered holders	Surviving heirs of the present incumbent	If unconnected with the original holders, possession how obtained, and in what year
15	16	17	18
Guru.			
Sone Sarivarada Matt.			
Managers.			
1. Vidya Siddhi-	Uncle's Son	1 Son.	
Sri. 60	to the property in	1 Brother's Son.	
	both.		
2. Ramaiah 20.	Son to the property	1 Son	
	by		

vision

LENGTH OF POSSESSION

Abstract of the orders already issued by the Commissioner or the Superintendent of the Division on lapses regarding validity or excess of the Inam Assistant's opinion and recommendation	Review by the Special Assistant and confirmation by the Inam Commissioner
19	20
To be confirmed and continued free of tax So long as the Matt is in good order and the object of the grant is performed. (Sd) B. Gopaliah. 15.12.69. Special Assistant.	Confirmed free of tax. (Sd) T. Clark. Sept 17-70. Inam Commissioner. Confirmed. K.J.G. 18/11/25 Copy. For Director of L.R. Survey & Settlement.

I.R.S. 31]

No. 791/Jour 46-35-10

From

The General Secretary to the Government of His Highness the Maharaja of Mysore, Genl. and Rev. Deptx

Bangalore.

To

The Muzrai Commissioner in Mysore,

Bangalore.

the 13th December 19xx 1935.

14

Genl. and Rev. Secretariat.

No.96,97,100,101,102,103,104 and 124 with a total acreage of A.16-10 Guntas.

Sir,

With reference to your letter No.M.M.12/35-36 dated 30.9.1935, forwarding records relating to the appeal of Adavi Swami of Srithore Mutt at Gubbi, I am directed to request you to be so good as to intimate the numbers and dates of the Government Orders or other authority under which the marginally noted Survey Nos. referred to in para 4 of your Order No. Apl.16/31-32 dated 3.5.1935 were granted to the temple of Sri Channabasaveswaraswa at Gubbi free of assessment for raising a tope and to submit to Government the connected records.

I have the honour to be,
Sir,
Your most obedient servant,

GPB -5,000—3 5 36

for General Secretary to Government

Appendix F G—1]

SUBJECT .....

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.....

2 Cubic 1

Section Misc

File No. 46-35

Serial No. 10

Diary No. of letter replied to ? 72 No 791

To

The Manager

General and Revenue Secretariat

( )

the *193* .

Sir,

Date of issue 14-12-35

With reference to your letter No. H.C. 12/35 36 & 30 dated 25-11-35 forwarding records relating to the Appeal of Andre Swamie &. Sons Thore Mills at Gubbi, I am directed to request you to kindly intimate to Government the numbers and dates of the Sale orders or other authority under which the undermentioned Survey Nos. referred to in para 4 of your above cited letter were transferred to Government.

Signed by for R. Venkatakrishnaiya

1101

No 96, 97, 100, 102, 103, 104 of 1235 - with a total acreage of A. 16 - Gs. 10

List of enclosures .....

Copied by .....

Examined by .....

WD 71—GPBM—40,000—20-7-31

Chamber acknowledges Branch at
Gubbi fee of assessment for training
to be and submit to Govt - the
records of the connected records.
The records received with yours
will under advance are
hereby returned.

Thanking &c

I/12/12
for Secy

Govt Press
10/12/35

NO. MC 12/353

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore, 18th December *1935.*

GENL. & REV. SECRETARIAT 27 JAN. 1936

FROM

~~N. MADHAVA RAU, Esq., B.A., B.L.,~~
S. C. V. ANANTARAMAN, Esq., B.A.,
Muzrai Commissioner in Mysore,
Bangalore.

GENERAL SECT. 20 DEC. 1935 FILE

To

N. Venkatesa Iyengar, Esq., M.A.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
General *Department*

Received from the Branch on 27 January 1936 GS 27/1/36

Re: appeal of Sri Adavi Swami of Sri Thore Matha, Gubbi Town.

Adverting to your letter No.791/Muz.46-35-10 dated the 14th December 1935 calling for certain additional information re: the above, I have the honor to request you to be so good as to kindly return this office file No.16/31-32 or To send a copy of this office order dated 8th May 1935 as in the absence of either the required information cannot be furnished.

I have the honor to be,
Sir,
Your most obedient servant,

S. C. Anantaraman

Muzrai Commissioner.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 27th January 193 6

No. (811/Dur 3
Encl Records)

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Muzrai Commissioner in Mysore.

Sir,

With reference to your letter No.M.C.12/35-36 dated 20th December 1935 on the subject of the appeal of the Swamigalu of Sri Thore Mutt at Gubbi, I am directed to return herewith the entire records received from you for reference and retransmission.

I have the honor to be,
Sir,
Your most obedient servant,

General Secretary to Government.

B.K.M.2

ppendix F G—1]

UBJECT ... .

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Section Mu

File No. 3

Serial No.

Diary No. of letter replied to ..... 816 / 35-36.

No. 1011

To

Madras.

General and Revenue Secretariat

( )

the *193* .

Sir,

With reference to your letter No. HE 12 / 35-36 dated 20. 12. 1935 on the subject of the appeal of the Sowcargar of Sri Thiruvadi Mavadigalu, I am directed to return herewith the entire records received from you for reference and return.

Date of issue 27-1-36

Signed by [illegible]

List of enclosures .....

Copied by [illegible] 27/1/36

Examined by .....

I have &c.

27/1

for Secretary.

27/1/36

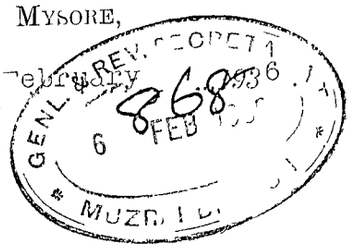
WD 01956—GPB—22,500—12-6-34

No. Hc 12 — 35-36
Enc. file

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,

Bangalore, 4th February 1936.

5

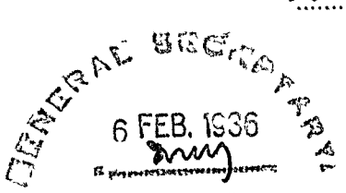


FROM

K. V. ANANTARAMAN, ESQ., B.A.,
Muzrai Commissioner in Mysore

To

N. Venkatesa Iyenga, Esq., B.A.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
General Department.



SIR,

Appeal of Adavi Swami of Sri Thore Mutt at Gubbi.

With reference to correspondence ending with your letter No. 1011/Muz. dated 27th January 1936 re: the above, I have the honor to state that no specific Government Order is traceable granting the marginally noted Survey Nos. to the temple of Sri Channabasaveswara Swami at Gubbi free of assessment for raising a tope. The statement in para 4 of this office order Appeal No.16/31-35 dated 8th May 1935 is based upon the entries in the Khetwar Patrika, the Phaisal Patrika and the Phani Bud of 1377 extracts from which are enclosed in the records returned herewith. The grant must have been given prior to the original Survey Settlement.

I have the honor to be,

Sir,

Your most obedient servant,

For Muzrai Commissioner.
(Absent on casual leave.)

Appendix F G—1]

SUBJECT .....

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1 (8M)

Diary No. of letter replied to 868

General and Revenue Secretariat

( )

the *193* .

Date of issue 8-2-1936

Signed by Rev. B. Muddubrahmaiah

List of enclosures .....

Copied by .....

Examined by.....

Section Misc

File No.

Serial No.

No. 1079

To

The M C

Sir,

With ref^ce to your letter no
H.C. 12 of 35-36 d 5/2/36
~~forwarding~~ ~~Calendar~~ ~~Index~~. informing
about the appeal of Adavi Somma
of Sri Thota Mutta at Gubbi
I am directed to state that
the ~~Jamabandi~~ file leading to your order
in appeal no 16/31-32 d 8/5/35
is not found among the records
received with your letter under
advertence and to request you
to kindly arrange to
~~be regarded as Statutory~~
~~Civil Case~~ forward it to
Govt. early.

WD 01956—GPB—22,590—12-6-34

Mr. G.D

M C 13

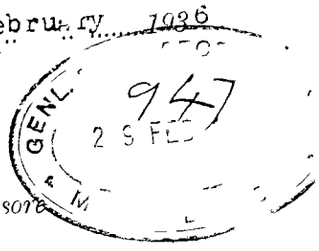
H.C.12/35-36.

Enc. file

OFFICE OF THE MUZRAI COMMISSIONER.
IN MYSORE,

Dated, Bangalore, 26th February 1936

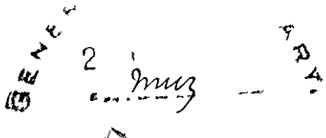
27



FROM K. V. ANANTARAMAN, Esq., B.A.,
~~N. MADHAVA RAO, Esq., B.A., B.L.,~~
Muzrai Commissioner in Mysore.

To

M. Venkatesa Iyengar, Esq., M.A.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
General *Department.*



SIR,

Appeal of Adaviswami of Sri Thore Matha at Kudur.

As desired by you in your letter No 1077/Muz. dated the 8th February 1936, I have the honour to forward herewith this office file No.App.16/31-32 dated 9th May 1935.

I have the honour to be,

Sir,

Your most obedient servant,

K. V. Anantaraman

Muzrai Commissioner.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore 7th

No. 1418/Reg 46-35-11

F

ENDORSEMENT.

Adaviswamigalu of Sri Shore utt at Sapoi
c/o Sr. [illegible] Raghavan Iyengar, [illegible]
Advocate, Bangalore City.

With reference to his petition dated [illegible]
1935 appealing against the order of the Muzrai Commissioner
in Muz. Appl. No.16/31-32 in so far as it relates to the
Mutt of which he is the Mathadhipathi, [illegible]
informed that the appeal is rejected as being [illegible]

By Order,

Sd/-T.Venkatesa Iyengar,

General Secretary to Government.

Memo No. 1419/Reg 46-35-11 & 8-4-36

Copy of the above is forwarded, with comments, to the Muzrai Commissioner, returning records received with correspondence ending with his letter No. [illegible] 35-36 dated 27th February 1936. The stay order issued by this office letter No.317/ uz dated 30th August 1935 is withdrawn. The Muzrai Commissioner is requested to hold enquiry into this case under section 10 or section 19 of

the Religious and Charitable Endowments Regulation.

By Order,

for General Secretary to Government.

Appendix F G—1]

SUBJECT .....

.....

.....

Section Mag

File No. 46-35

Serial No. 11

No. 1418

Diary No. of letter replied to .....

To

Adavi Swamigalu of Sri
Thota Mutt at Gubbi C/o
Sri M. T. Bhashyam
Iyengar B.A. B.L. Advocate.
Collector. Bangalore dt.

General and Revenue Secretariat

( )

the *193*

Date of issue 8-4-36

Signed by Sd/- B. Venkatakrishnaiya

In the regd. petition of 3.8.35
appealing against the order of
the M.C. in Mag. Case No. 1
~~on the file of his Court~~ in so
far as it relates to the Mutt
of which he is the Mahadhip.
Adavi Swamigalu is informed
that the appeal ~~stands before~~
rejected hereby
C/ observations
B.

List of enclosures .....

Copied by .....

Examined by.....

WD 01956—GPB—22,520—12-6-34

Memo No 149/Mis 46-35-11 28-4-36
Copy to the H.C. returning records Encl Receipt

received with Correspondence ending
with his letter No H.C. 12/35-36
& 27/2/36. The stay order issued
in this Office letter no 317/Mis &
30-8-35 is withdrawn — The
Amrsai Comm. is requested to hold enquiry
into this case under Sec. 10 or Sec. 14
~~of Gen. Sec.~~
of the Religious and Charitable
Endowments Regulation

B.G.

1/4/36

Jr Secy. to Govt.,
Gen. Dept.

R2131

IN THE COURT OF THE REVENUE COMMISSIONER IN MYSORE, BANGALORE.

No.C7.R.Dis.1009 of 43-44.

Bangalore 20th November ,1944.

Reference:

Order dated 3rd May 1935, of the Muzrai Commissioner in Muz.App.No.16 of 31-32, directing among others, the resumption of S.No.100 of Gubbi Kasaba village, Gubbi Taluk stated to be in the unauthorised possession of Adaviswamigalu of Sri Thore Mutt at Gubbi, on behalf of Sri Chennabasaveswaraswami temple at Gubbi and its disposal by lease to the best advantage of the Institution.

2. Memo No.1419/Muz.46-35-11 dated the 8th April 1936 from the General Secretary to Government forwarding a copy of the Endorsement granted to Adaviswamigalu of Sri Thore Mutt at Gubbi, rejecting his appeal against the order of the Muzrai Commissioner in Muz.App.No.16 of 31-32 in so far as it related to the Mutt, of which he was the 'Mathadhipathi' as premature, with a direction that an enquiry into the case under Section 10 or 19 of the Religious and Charitable Endowments Act, may be held by the Muzrai Commissioner.

3. Letter No.1570/Muz, dated the 9-12th May 1936 from the General Secretary addressed to the Muzrai Commissioner stating in modification of the Official Memorandum No.1418/Muz.46-35-11 dated 7th April 1936 that the Deputy Commissioner, Tumkur District might be called upon to hold the enquiry in the matter under Section 10 or 19 of the Religious and Charitable Endowments Act..

4. Letter No.M2111 of 38-39 dated the 22nd May 1940, from the Deputy Commissioner, Tumkur District addressed to the Muzrai Commissioner stating that the land in question was a 'sirkari' land to which the provisions of Section 10 or 19 of the Religious and Charitable Endowments Act did not apply, that the case would have to be dealt with under Section 36 and 59 Land Revenue Code, that as the Adaviswami had been in possession and enjoyment of the land from about the year 1890 under the authority of a gift deed and had reared cocoanut plants which were about 50 years old and had erected a Mutt Building on the land and ~~this~~ was abiding by the conditions of the Gift Deed, the land might be confirmed to him subject to the payment of upset price and bagayet assessment at the rate prevailing in the neighbourhood from the year of occupation in 1890.

5. Correspondence ending with letter No.M.2111 of ~~38-~~39 dated 11th June 1941 from the Deputy Commissioner, Tumkur District stating that the upset price might be fixed at Rs.200 per acre and the assessment ~~land~~ at garden rate at Rs.6/- per acre.

6. Letter No.2657 dated 30-31st October 1941 from the Superindendent of Land Records ~~and~~ , Survey and Settlement stating that the proposal of the Deputy Commissioner, Tumkur District for treating the tenure of the land in question as garden may be approved and that the bagayet assessment on the land fixed after necessary field

classification by the Survey Department.

7. Representation of Adamiswami, Gubbi filed before this office on 27th March 1944, contending that the land in question was not an inam land belonging to the family of Gubbi Huchappa but that it was a Government land in the occupation of a private person that it came to the possession of his predecessor by a gift deed dated 18th July 1889, that as he had come by the land under sufficient and valid authority, he was not liable to pay any upset price, nor was he liable to pay any assessment as he had been fulfilling the condition of the gift deed, viz: rearing of a flower garden for the use of public and as the assessment originally levied was cancelled in 1884. He also urged that the assessment may be waived taking into consideration that the Mutt was a religious institution and if this was not possible only dry ~~rate of~~ assessment ~~as~~ fixed for the ~~muzrai abolishing~~ lands may be levied from 1940-41 as the land was not supplied with water from any Government source of irrigation.

O R D E R.

The subject being one to be dealt with under the provisions of the Mysore Land Revenue Code and the Rules framed thereunder, it has been transferred to this office by the Muzrai Commissioner for disposal according to law.

2. I have heard Mr. Veerappa, Counsel for Adamiswamigalu and examined the records including the statement given by the Adami swami in December 1940 and also the one now filed before this Court at the time of enquiry.

3. ~~Section~~ Survey No.100 of Gubbi village is a Kharab land measuring 1 acre 35 guntas. It is in the possession of Adamiswamigalu of Tore Mutt at Gubbi from 18th July 1889, on which date it was gifted to the Adavi Swami then Peetasta of the Mutt by Hutchappa, Channabasanna and other leading persons of Gubbi, who were stated to be Yajamans of the temple of Sri Channabasaveswaraswami at the place. According to Khetwar extract of 1879-80 the land was in the name of Gubbi Huchappana Mallappa - flower Garden In 1877 also it was in the name of Gubbi Huchappana Mallappa. In the 'phaisal patrika' (extract) for 1884 there is a note made in the remarks column, that the assessment on the

occupation of S.No 100 of

2131/2.

land was cancelled as it was ascertained from the people that the flower garden was for a Charitable Purpose. The same note is repeated in the Khetwar for 1889-90 in which year the land was gifted to the Adaviswamigalu. According to the Survey Superintendent, if Hiduvali lands which are treated as Khafab for a particular purpose and held rent free are used for other purposes the holder will not lose his rights of ownership over them but can be called to pay the assessment to be fixed under the provisions of the Land Revenue Code. it is reported in December 1943 that out of the total extent of 1 acre and 35 guntas comprised in the number, there is the cocoanut and flower garden on an extent of 1 acre and 3 guntas only, while on the remaining extent of 32 guntas there are the Mutt buildings, out-houses, the Kalyani (pond), etc.

4 It is now clear that the land was originally in holding, and that as long ago as 1884, the assessment on the land was waived because it was being used as a folower garden for a charitable institution. At the resurvey and settlement during 1910-11, the land was treated as Kharab. It is evident that it was not a Government land occupied by the Adavisvamigalu without permission. No question of unauthorised occupation arises. There is therefore no ground for demanding any upset price. The land is now used as a garden. I think that bagayet assessment should be levied from the year of resurvey and settlement viz: 1910-11. The Commissioner for Settlement and Land Records may be asked to fix the assessment.

REVENUE COMMISSIONER.

20/11/4

Subd with the previous papers for perusal before filing, as no further action is called for.

Place in the Kuz. file No. 46-36

27/11/44

29/11

11/12

Copy of the foregoing, is forwarded, with compliment

to: The Deputy Commissioner, Tumkur District, with the connected records for information and needful action.

The Commissioner for Settlement and Land Records in Mysore, Bangalore.

The Secretary to the Government of Mysore, General Department, for information.

The Muzrai Commissioner in Mysore, Bangalo

FOR REVENUE COMMISSIONER.